

# County of San Diego, Health and Human Services Agency (HHSA)

## CalWORKs Program Guide

### Child Care Notices of Action

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#### **Background:**

Notices of Action (NOAs) are written notices that inform applicants and recipients of intended County actions regarding their application or case. NOAs must be adequate and timely with certain [Timely Notice Exceptions](#).

#### **Notice of Action Definitions**

A. **Adequate Notice:** A written notice informing the parent of:

1. An intended case action
2. The specific reason(s) for the action
3. The regulation(s) that support the intended action
4. The parent's right to request a state hearing
5. The circumstances under which aid will be continued if a hearing is requested (aka: Aid Paid Pending)
6. The responsibility that aid paid pending must be repaid if the County action is upheld  
[MPP 22-001\(a\)\(1\)](#)

**NOTE:** The NOA must also inform the parent of what information or action is needed, when appropriate, to reestablish eligibility or determine the correct amount of aid.

[MPP 22-071.6](#)

B. **Timely Notice:** A written notice that is mailed or hand delivered to the parent at least 10 calendar days before the intended action takes effect. The 10-day period does not include the NOA mailing date or the effective date of the negative action (also known as, the first date of ineligibility).

[MPP 22-001\(t\)\(1\)](#) and [22-072.4](#)

C. **Positive actions:**

- Approvals
- Reductions in Family Fees
- Increase of hours authorized
- Anything that will increase or extend benefits for participants

D. **Negative actions:**

- Denials
- Discontinuances
- Increase in Family Fee
- Decrease in hours of care
- Any actions that will cause benefits to be decreased or be terminated

#### **Policy:**

Contractors may use only the appropriate State or County Approved NOAs. Whenever administratively possible, Notices of Action are to be issued out of the CalWIN client correspondence system.

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A Notice of Action must be issued for **Approvals, Denials, Changes, and Discontinuances** in the child care subsidy paid by the county. A parent notice must include information on how to appeal the action (the NA Back 9). ([CPG 10-010.D Approvals/Denials/Discontinuances](#))

**Approval or Denial NOA:**

An Approval NOA OR a Denial NOA must be issued within 30 days from the date the date-stamped Child Care Referral/Authorization Form 27-128 is received or from the date that the Post-Aid child care application is received.

**Discontinuance and Change NOA (with negative action):**

- A Discontinuance NOA, or a Change NOA that negatively impacts the family, must be mailed or hand delivered ten (10) calendar days prior to the action being taken.
- In computing the notice period the 10-day period shall not include the date of mailing, or the date that the negative action is to take effect. **Example:** If the last date of child care eligibility is 3/28/15, the effective date of the negative action (the first date of ineligibility) is 3/29/15, and the NOA must be mailed by 3/18/15.

**Rescission NOA:**

The Rescission NOA is used only to inform the client that the case is being reopened. If there is change to benefit level, Child Care Section must also provide adequate notice of change in benefit level with the Rescission NOA. If the change in benefit level is a negative action, the notice must meet Timely Notice Requirements.

**Adequate Notice Requirements:**

An adequate notice must be provided for all actions, including:

- A. An approval or increase of child care
- B. A denial, decrease, or discontinuance of child care
- C. Compliance actions regarding a state hearing decision

**Timely Notice Requirements:**

A timely notice must be provided for most negative actions that result a decrease or discontinuance of child care, with certain exceptions. [MPP 47-420.3](#)

Note: Although Denial of a child care application is considered a negative action, timely notice is not required because there was no prior benefit, and therefore no decrease or discontinuance of Child Care subsidies.

Reminder: If timely notice cannot be provided to decrease or discontinue aid, an overpayment must be established. ([CPG 44-350.M Child Care Overpayments and Underpayments](#))

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### **Timely Notice Exceptions:**

Timely notice is not required; however, adequate notice must be provided not later than the effective date of the intended action, when child care staff receives:

- A. Information regarding the death of a parent or provider
- B. A written request signed by the parent to discontinue child care
- C. A written request signed by the parent to discontinue child care without timely notice (10-Day Waiver)
- D. Notification of removal of an aided child from the home
- E. Certified copy of a Court's judgment of conviction as evidence that a provider has been convicted of a crime against children.
- F. Notification from TrustLine Registry that a case file is closed and no further payment can be made to that specific provider as of certain date.

[MPP 47-620.4-7](#), [Health and Safety Code Section 1596.871 \(f\)\(1\)\(A\) and \(B\)](#)

### **Notifying the Provider:**

A provider must be notified when:

- Child Care is approved,
- Hours increase, or
- Any action is taken against a parent that negatively affects the provider payment.
- The provider shall be notified via a copy of the parent's NOA. Contractor may develop an internal form that satisfies this requirement, but must receive written approval from HHSA-Eligibility Operations prior to implementing its use.
- A provider notice does not include the information on how to appeal the action, because a provider does not have appeal rights.
- Whenever possible, and as a courtesy, a provider shall be given the same timely notice as the parent (10 calendar days in advance of an adverse action).

### **Examples of when advanced notice cannot be given to a provider:**

- Provider is license-exempt and the parent lost employment and reports that he/she no longer needs Child Care services.
- Community Care Licensing closes licensed center for regulation violations.
- Parent wished to change providers immediately, and provider is license-exempt.
- Provider is no longer available to provide care.
- Provider did not pass TrustLine.

### **Case Specific Information and Readability:**

Every NOA must include information that is sufficient for the parent to determine what the issues is, to be able to understand the action taken, and decide if a request for a hearing is needed. The NOA must provide case-specific information regarding the facts that were used in the eligibility determination and if applicable the calculation of the payment amount. The NOA must be written at a 6<sup>th</sup> grade level and in clear, nontechnical language. [ACIN I-02-14](#)

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### **Language and Disability Access:**

The NOA must be provided in the parent's preferred language when available. If a translated NOA is not available, the English NOA must be provided with the Notice of Language Services (GEN 1365) and a County contact number.

Reasonable accommodation must be provided when a parent has a disability. ([Civil Rights Policy](#))  
[ACIN I-02-14](#)

### **Procedure:**

Child Care staff must ensure all system-generated NOAs and manual NOAs meet the requirements outlined in this policy.

### **Required Actions:**

1. Use the appropriate NOA for the intended case action. Only NOAs that have been approved by the State or HHSA Eligibility Operations may be used.
2. Ensure the NOA is adequate and includes sufficient case-specific information. Add manual variables and freeform text to system-generated NOAs as needed. Use the [Standardized Text Desk Aid](#) to add approved text in the freeform fields of the NOA.
3. Provide client the NOA with NA Back 9, and with timely notice as needed.
4. Provide a copy of the NOA to the provider; do not include NA Back 9.
5. Document the issuance of the NOA in case comments, including any language services or reasonable accommodations provided.
6. Retain a copy of the NOA as part of the case record. The copy may be stored electronically or in the physical case file, as appropriate.

### **References:**

[MPP 22-001\(a\)\(1\)](#) , [MPP 22-001\(t\)\(1\)](#)  
[MPP 22-071](#) , [MPP 22-072](#)  
[MPP 47-420.3-4](#)  
[MPP 47-620.4-7](#)  
[ACIN I-02-14](#)

### **Release Date:**

8/18/2015

### **Sunset Date:**

This policy will be reviewed for continuance by 8/31/2018.